

**REMARKS**

Claims 12-16 and 20-32 are currently pending in the application. All claims currently stand rejected under either 35 U.S.C. § 101, 35 U.S.C. § 102 or 35 U.S.C. § 103. Applicant respectfully requests that the Examiner reconsider the application in accordance with the amendments and comments herein.

**Claim Objections**

The Examiner has objected to the word "compilated" in claim 15. Applicant has corrected the term as suggested by the Examiner. Accordingly, Applicant requests that the Examiner withdraw the objection.

**Claim Rejections - 35 U.S.C. § 101**

The Examiner has rejected claims 12-16 and 29-32 under 35 U.S.C. §101 as being directed to non-statutory subject matter. The Examiner bases this rejection on a conclusion that the claimed invention is not within the technological arts. Applicant respectfully requests that the Examiner withdraw the rejection in light of the recently published Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility ("Interim Guidelines"), which state:

United States patent law does not support the application of a "technical aspect" or "technological arts" requirement. Title 35 of the United States Code does not recite, explicitly or implicitly, that inventions must be within the "technological arts" to be patentable.  
Interim Guidelines, p. 42.

As a result of the Interim Guidelines, the current rejection is no longer valid and Applicant requests that it be withdrawn.

Claim Rejections - 35 U.S.C. § 102 & 103

The Examiner has rejected claims 37-38, 40-45 and 47-52 as being anticipated by the disclosure of *Lynch et al.*, U.S. Patent no. 6,018,715 (hereafter "*Lynch*"). Applicant respectfully disagrees.

Claims 37 and 45 require, among other things, a system that dynamically compiles travel packages of at least two product types based on defined restrictions, where the defined restrictions for at least one product in a package are dependent on another product accepted in or excluded from the package. These type of restrictions are simply not disclosed by *Lynch*. Indeed, *Lynch's* limitations are noted in Applicant's own specification. See Specification at 2.

*Lynch* provides a system whereby travelers, business entities and travel agencies can store their travel preferences in a database. Those preferences relate to air carriers, automobile rental agencies, hotels and the like, and the stored preferences are collectively referred to as "portfolios" (these portfolios are stored in a database). *Lynch*, col. 3, ln. 32 to col. 4, ln. 13. When a traveler is ready to travel, the system uses this collection of preferences to book a trip.

In response to the travel request information, system 10 determines a recommended travel plan or policy that balances between the preferences of the individual traveler, a business entity employing the traveler (if applicable), and the travel agency.

*Lynch*, col. 4, lns. 18-22.

As the Examiner is aware, an anticipation rejection requires that the Applicant's claimed invention be disclosed in as much detail as recited in the claims. The cited portions of *Lynch* neither teach nor disclose the elements of claim 37. More specifically, *Lynch's* "portfolios" do not teach dynamically compiling packages based on the defined

restrictions including one product in a package being dependent on another product accepted in or excluded from the package. Rather, *Lynch* simply teaches that an itinerary can be pulled together from either the traveler's preferences, the employer's preferences, and/or the travel agency's preferences. There is no disclosure of compiling a package where one of the products in the package depends on the inclusion or exclusion of another product in the package.

The fact that *Lynch's* travel agency profile 22 includes "blocks of travel arrangements (e.g., airline seatings on particular flights or hotel rooms on particular dates) available for sale exclusively by the agency." *Lynch* col. 4, lines 4-7. This aspect of *Lynch* teaches that the single travel agent may essentially "buy" a block of seats and sell those seats to its customers. See *Lynch*, col. 1, lines 35-42. It does not teach that the airline seats include restrictions requiring any airline seat to be sold together in a package with another product such as a particular hotel room on a particular date.

Thus, due to the absence of the above-identified features of the claims, Applicant respectfully submits that the Examiner has not set forth a *prima facia* basis for anticipation. While Applicant also respectfully disagrees with certain of the Examiner's other conclusions concerning the prior art and the rejected claims, a more detailed discussion thereof is not necessary at this time. For these reasons, Applicant requests that the Examiner withdraw the rejections of claims 37 and 45 and allow them along with dependent claims 36-44 and 46-52.

The Examiner similarly rejected claims 12-16, 29-32, 39, 46 as being obvious over of *Lynch* in view of *Tagawa*, U.S. Patent no. 5,732,398. As discussed above, *Lynch's* preference portfolios simply do not teach the claimed invention. Therefore, Applicant does not believe it is necessary to

address Examiner's characterization of Tagawa or the non-obviousness of combining the two references. For these reasons, Applicant respectfully requests that the Examiner withdraw the rejection and allow claims 12 and 29 as well as their dependent claims.

**Conclusion**

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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